

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYERISCHE LANDESBANK; BAYERISCHE
LANDESBANK, NEW YORK BRANCH,
Plaintiffs,

-against-

BARCLAYS BANK PLC; BARCLAYS CAPITAL
INC.; SUTTON FUNDING LLC; BCAP LLC;
SECURITIZED ASSET BACKED RECEIVABLES
LLC; CARRINGTON HOLDING COMPANY, LLC;
CARRINGTON CAPITAL MANAGEMENT LLC;
CARRINGTON SECURITIES, LP; STANWICH
ASSET ACCEPTANCE COMPANY, LLC

Defendants.

No. 12 CV 9329 (CM)

ECF Case

**PARTIES' JOINT MOTION TO
ADJOURN INITIAL PRETRIAL
CONFERENCE AND FILING
OF CASE MANAGEMENT
PLAN**

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And you are now in federal
court, where no
motion to
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PLEASE TAKE NOTICE that all the Parties hereby move this Court for an Order
adjourning the Initial Pretrial Conference, which is currently scheduled for February 22, 2013,
and the filing of the Case Management Plan which is currently due on February 6, 2013, on the
grounds that Plaintiffs have moved to remand the action to New York Supreme Court and that no
Complaint has yet been filed in the action:

I. Procedural History of the Case

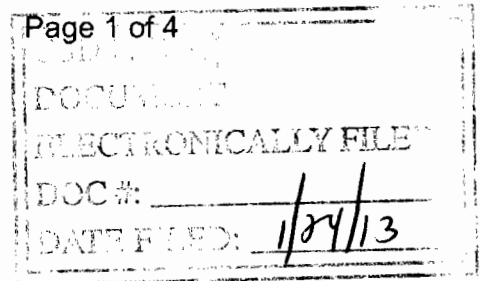
1. The Plaintiffs commenced this Action on August 3, 2012 by filing a Summons
with Notice pursuant to New York C.P.L.R. 305(b) in New York Supreme Court, assigned Index
No. 652697/2012. On October 6, 2012, Plaintiffs filed an Amended Summons with Notice (the
"Summons").

2. Plaintiffs served the Summons on Barclays Bank plc, Barclays Capital Inc.,
Sutton Funding LLC, BCAP LLC, and Securitized Asset Backed Receivables LLC (collectively

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the “Barclays Defendants”) on November 21, 2012, and on Defendants Carrington Holding Company, LLC, Carrington Capital Management LLC, Carrington Securities, LP and Stanwich Asset Acceptance Company, LLC (collectively the “Carrington Defendants”) on November 27, 2012.

3. Defendants filed and served Demands for Complaint pursuant to CPLR § 3012(b) on December 7, 2012 (the Barclays Defendants) and on December 14, 2012 (the Carrington Defendants).

4. On December 21, 2012, the Barclays Defendants filed a Notice of Removal in this Court, which the Carrington Defendants joined. The Notice of Removal asserts “related to” bankruptcy pursuant to 28 U.S.C. §1334(b) as the basis for federal jurisdiction.

5. No Complaint has been filed in this action.

6. On January 7, 2013 this Court issued an Order that scheduled an Initial Pretrial Conference on February 22, 2013 and directed the parties to file a Civil Case Management Plan within thirty days, *i.e.*, by February 6, 2013.

7. Plaintiffs moved to remand the action to New York Supreme Court on January 22, 2013.

II. Joint Request for Adjournment of Due Date for Filing Civil Case Management and Initial Pretrial Conference

8. In light of the procedural posture of this case—where a motion to remand has been filed but not yet fully briefed and no Complaint has yet been filed—the Parties respectfully submit that the filing of a Civil Case Management Plan and the holding of an Initial Pretrial

Conference are premature and an inefficient use of the Court's resources.

9. If the case is remanded, there will be no further proceedings before this Court.

Accordingly, Parties respectfully request that the filing of a Civil Case Management Plan and the Initial Pretrial Conference be adjourned until after a decision on the Motion to Remand.

10. Further, the Parties cannot develop a discovery plan at this time because the Parties cannot know the parameters of discovery until after a Complaint is filed.

11. Thus, the Parties respectfully request that the Court adjourn the due date for the filing of the Civil Case Management Plan, as well as the date for the Initial Pretrial Conference, until after a decision on the Motion to Remand and, in the event the Court denies this motion, until after the Complaint is filed.

12. There have been no previous requests for adjournment.

Dated: New York, New York
January 23, 2012

Respectfully submitted,

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